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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Paper No. 26

Application Number: 09/200,985
Filing Date: November 30, 1998
Appellant(s): KIM EL AL.

Andrew M. Calderon
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed Feb 09, 2004.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that all rejected claims (1-2 and 5-7) stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

5,659,790	KIM ET AL.	08-1997
6,397,251	GRAF	05-2002
5,682,384	ZARROS	10-1997

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-2 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kim et al.** (U.S. 5,659,790 – filed 02/1995) in view of **Graf** (U.S. 6,397,251 – filed 01/1993) and further in view of **Zarros** (U.S. 5,682,384 – filed 10/1995).

As to independent claim 1, Kim teaches a method of progressive time stamp (*ranges of time intervals; col.2, lines 1-25*) resolution in a multimedia presentation (*multimedia presentation; col.2, lines 1-25*) comprising the steps of:

- supplying a player (*user interactive screen; col. 5, lines 41-67*) of a multimedia presentation (*multimedia presentation; col.2, lines 1-25*) with information comprising two labels, one for a multimedia object's (*multimedia objects; col.4, lines 48-64*) start time (*the process starts; col.6, lines 3-12*) and one for the multimedia object's (*multimedia objects; col.4, lines 48-64*) end time (*process ends; col.6, lines 54-63*) relative to other multimedia object start and stop times (*temporal relations; col.5, lines 1-67*), and three durations (*time durations; col.5, lines 1-67*), a minimum duration (*a minimum length; col.4, lines 1-41*), a maximum duration (*a maximum length; col.4, lines 1-41*) and a preferred duration (*an optimum length; col.4, lines 1-41*) for each multimedia object prior to start playback (*playback; col.3, lines 40-48*) of the multimedia object.

Kim does teach **actual** multimedia object durations of multimedia objects *(each multimedia object is associated with a triple of lengths: a minimum length ...a maximum length ...and an optimum length; col.4, lines 3-8 / Time is an essential dimension in a multimedia system. It often provides the basis measure for multimedia objects; col.4, lines 47-62)*, but is silent on "resolving the durations of multimedia objects using the information based on actual multimedia object durations and **actual delayed arrival time** of information of multimedia objects to be played."

Graf teaches resolving the durations of multimedia objects using the information based on actual multimedia object durations and **delayed arrival time** of information of multimedia objects to be played (*providing an additional time delay for the presentation of a multimedia file in order to account for the delayed arrival of frames at the receiver due to the spreading of the*

transmission of the frames over time... The time delay can be simply adapted to other features of the underlying network... The relationship between additional time delay and transmission rate can be calculated; col.4, lines 15-53/ the arrival of the information at the receiver is delayed; col.5, lines 49-56). Accordingly, Graf teaches pre-calculated delayed arrival time, **not actual** delayed arrival time.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made combine the teachings of Graf and Kim because Graf's teaching would have provided the enhanced capability for producing the schedule for transmission of the video file that prevents buffer underflow or overflow in the receiver.

The combination of Kim and Graf does not explicitly teach "the actual delayed arrival time of information."

Zarros teaches **actual delay** arrival time of information (*the actual transmission period of the sender as seen with the receiver's clock... The average delay time packets experience to arrive at the receiver from the sender ...exactly the average delay D could be found ... the actual arrival time; col.5, lines 19-46 and Fig.3)*. Accordingly, Zarros teaches calculating the actual delayed arrival time.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Zarros's teachings in the system of Kim as modified by Graf because Zarros's teaching would have provided the enhanced capability for dealing with packets arriving from other participants in real time.

As to dependent claim 2, Kim teaches calculating minimum and maximum end times for over all multimedia objects (*the different between the specified optimal play duration of the episode and the schedule play duration; col.6, lines 40-63);* calculating actual end times that are shared by all multimedia objects (*get the global minimum and maximum lengths; col.6, lines 23-28*); and recalculating a preferred duration of each multimedia object (*the schedule for the multimedia story is output and the multimedia document is run according to the schedule in output block; col.6, lines 58-63*).

As to dependent claim 5, Kim teaches playing the each multimedia object (*multimedia objects in a story are viewed... which they play; col.3, lines 55-67*).

As to dependent claim 6 Kim teaches the multimedia object durations are larger than a preferred duration (*various times and with differing time durations; col.5, lines 23-41*).

As to dependent claim 7, Kim teaches the actual multimedia object durations are smaller than a preferred duration (*various times and with differing time durations; col.5, lines 23-41*).

(11) Allowable Subject Matter

Claims 3 and 4 are allowed.

(12) Response to Argument

- On page 15 of the Appeal Brief, in arguing that "the combination of references does not at least teach or even remotely suggest at least: (i) actual and known durations of multimedia

objects; (ii) determining actual delayed arrival time as an absolute difference between a known duration and the preferred duration of multimedia objects; and resolving temporal relations between multimedia objects based on (i) and (ii)."

- In response, **Kim** does teach actual multimedia object durations of multimedia objects *(each multimedia object is associated with a triple of lengths: a minimum length ...a maximum length ...and an optimum length; col.4, lines 3-8 / Time is an essential dimension in a multimedia system. It often provides the basis measure for multimedia objects; col.4, lines 47-62).* **Graf** is combined with Kim to teach resolving the durations of multimedia objects using the information based on actual multimedia object durations and **delayed arrival time** of information of multimedia objects to be played (*providing an additional time delay for the presentation of a multimedia file in order to account for the delayed arrival of frames at the receiver due to the spreading of the transmission of the frames over time... The time delay can be simply adapted to other features of the underlying network... The relationship between additional time delay and transmission rate can be calculated; col.4, lines 15-53/ the arrival of the information at the receiver is delayed; col.5, lines 49-56*). It is noted that Graf teaches **pre-calculated** delayed arrival time, **not actual** delayed-arrival time. As detailed in the rejection above, **Zarros** is used to teach the **actual delayed** arrival time (*the actual transmission period of the sender as seen with the receiver's clock... The average delay time packets experience to arrive at the receiver from the sender ...exactly the average delay D could be found ... the actual arrival time; col.5, lines 19-46 and Fig.3).* Accordingly, the combination of Kim, Graf, and Zarros references meets all limitations as claimed by Applicant.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

JOSEPH FEILD
SUPERVISORY PATENT EXAMINER

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April 26, 2004

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